

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN  
GILGIT

**BEFORE:-**

*Mr. Justice Sardar Muhammad Shamim Khan, Chief Judge.  
(In Chamber)*

**Crl. Appeal No.15 of 2024 in  
Crl.PLA No. 16 of 2024**

Muhammad Ikram

Petitioner

Versus

The State

(Respondent)

**Present:-**

Mr. Muhammad Saeed Iqbal , Advocate for petitioner.  
Mr. Mir Muhammad Prosecutor-General for State.

**Date of hearing:**                      **30.05.2024**

**JUDGMENT**

**Sardar Muhammad Shamim Khan, Chief Judge:-** Through instant Criminal Petition petitioner namely Muhammad Ikram seeks post arrest bail in a case registered against him vide FIR No.97 of 2022 dated 16.07.2022 offences under sections 494, 365-B, 496, 496-B, 34, 471, 468 & 420, PPC at police station Danyore District Gilgit.

2. Precise allegation against the petitioner as narrated by the complainant in the FIR was that on 16.07.2022 the petitioner alongwith unknown culprits deceitfully abducted Mst. Shabana wife of the complainant. Hence instant FIR was registered.

3. Learned counsel for the petitioner contended that petitioner has falsely been implicated in the instant case on the basis of malafides; that Mst. Shabana Bibi the alleged abductee out of her own free will lawfully contracted marriage with petitioner vide Nikah Nama dated 16.07.2022; that thereafter Mst. Shabana and her husband namely Muhammad Ikram (petitioner) filed the suit for Declaration alongwith Perpetual Injunction before the court of learned Senior Civil Judge Gilgit wherein she admitted the factum of her marriage with the petitioner and did

not support the prosecution version, as narrated by the complainant in the FIR; that the petitioner is behind the bars since his arrest and is no more required by the police for the purpose of further investigation. Thus, it is submitted that by accepting instant appeal, the petitioner may be admitted to post arrest bail.

4. Learned Prosecutor-General has vehemently opposed the instant appeal on the grounds that petitioner is nominated in the FIR; that there was specific allegation against the petitioner that he alongwith unknown culprits deceitfully abducted Mst. Shabana wife of the complainant; that Mst. Shabana the alleged abductee appeared before the court of learned Sessions Judge Gilgit and got recorded her statement wherein she levelled specific allegation against the petitioner that he forcibly contracted marriage with her and she made false statement before the court of learned Senior Civil Judge Gilgit on account of coercion by the petitioner; that during investigation the police recorded the statements of P.Ws wherein they fully implicated the petitioner in the commission of instant occurrence and he was found guilty in the investigation conducted by the police; that the offences alleged against the petitioner are heinous in nature and come within the purview of prohibitory clause of section 497 Cr.P.C. Thus, it is submitted that instant CrI. Appeal is liable to be dismissed.

5. Arguments heard. Record perused.

6. It has been noticed that instant occurrence took place on 16.07.2022 whereas matter was reported to the police on 18.07.2022 with an extraordinary delay of about 2/3-days for which no proper explanation has been furnished by the complainant in the FIR. The copy of Nikah Nama is available on record which shows that Mst. Shabana Bibi the alleged abductee contracted marriage with the petitioner on 16.07.2022. It has further been noticed that on 19.07.2022 Mst. Shabana Bibi and her husband namely Muhammad Ikram (petitioner) filed the suit for Declaration alongwith Perpetual Injunction before the court of learned Senior Civil Judge Gilgit wherein she took a specific stance that she out of her own free will contracted marriage with petitioner and that her father and brothers were causing illegal harassment to her (Mst. Shabana Bibi) and they were interfering into her matrimonial life. Perusal of record also reveals that alongwith the said suit the alleged abductee namely Mst. Shabana Bibi and her husband (petitioner) also filed an application for grant of temporary injunction and learned

Senior Civil vide order dated 19.07.2022 restrained the defendants from interfering into the matrimonial life of the petitioner and his wife (the alleged abductee) . It has further been noticed that during the pendency of said suit, the alleged abductee appeared before the court of learned Senior Civil Judge and got recorded her statement wherein she took a specific stance that she out of her own free will contracted marriage with the petitioner and that she is happily residing with her husband(petitioner).

7. Perusal of record also reveals that on 08.09.2022 Mst. Shabana the alleged abductee appeared before the court of learned Sessions Judge Gilgit wherein she changed her initial stance and alleged that petitioner contracted marriage with her forcibly and that she made false statement before the court of learned Senior Civil Gilgit due to the pressure of the petitioner. Two different statements before different courts have shaken the creditability of the alleged abductee. The conflicting statements of Mst. Shabana Bibi the alleged abductee makes the case of the petitioner that of further inquiry. Which statement of alleged abductee was correct would be adjudged by the learned trial court after recording her ( alleged abductee) evidence. Whether she is legally wedded wife of the petitioner or the complainant cannot be determined by the Criminal Court, rather only the Family Court is competent to decide this matter. Keeping in view the facts and circumstances of the case, possibility of false involvement of the petitioner in the instant case on the basis of mala fides cannot be ruled out. The petitioner is behind the bars since his arrest and is no more required by the police for the purpose of further investigation. No useful purpose would be served by keeping the petitioner in jail for an indefinite period.

8. For what has been discussed above, instant Criminal Appeal is accepted and petitioner is admitted to post arrest bail subject to his furnishing bail bonds in the sum of Rs. 5,00,000/- with one surety in the like to the satisfaction of the learned trial court.

- sd -  
Justice Sardar Muhammad Shamim Khan  
Chief Judge